

**REMARKS/ARGUMENTS**

This amendment responds to the Office Action dated May 14, 2008, in which the Examiner rejected claims 1-8 under 35 U.S.C. § 103.

As indicated above, claims 1 and 4 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an image pick-up apparatus and claim 4 claims an image pick-up method. The apparatus and method include a solid-state image pick-up device, switching means, control means and timing generating means. The pick-up device performs photo-electric conversion in accordance with a received image pick-up light. The switching means performs switching between a first mode and a second mode. The control means controls the switching means. The time generating means generates a signal (a) during a first time period to read out the charges stored in the pick-up device every n or m frames, depending upon being in the first or second modes, and to store the read-out charges in a storage means and (b) during a second time period to not read out the charges from the pick-up device and to output the charges stored in the storage means after every frame.

By outputting charges stored in the storage means after every frame when not reading out charges from the pick-up device as claimed in claims 1 and 4, the claimed invention provides an image pick-up apparatus and method in which a non-intermittent image can be obtained on a monitor connected to the pick-up apparatus. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claims 1-8 were rejected under 35 U.S.C. § 103 as being unpatentable over *Okino et al.* (U.S. Patent No. 5,019,911) in view of *Suzuki, et al.* (U.S. Patent No. 6,515,703).

*Okino et al.* appears to disclose a CCD image sensor 5, control circuit 10, signal processing circuit 6 and recording portion 7 (Col. 2, lines 57-63). The video signal read out from the CCD image sensor 5 passes through the signal processing circuit 6 and is recorded on a recording medium of the recording portion 7 (Col. 5, lines 5-8).

Thus, nothing in *Okino, et al.* shows, teaches or suggests a timing generating means for generating a signal (a) during a first timed period to read out charges stored in a pick-up device every n or m frames, depending upon being in the first or second modes, and to store the read out charges in a storage means and (b) during a second time period to not read out the charges from the solid-state image pick-up device and to output the charges stored in the storage means after every frame as claimed in claims 1 and 4. Rather, *Okino, et al.* only discloses a signal processing circuit 6 outputting to a recording portion 7.

*Suzuki, et al.* appears to disclose output of a preprocessing circuit 37 as applied to A/D converter 38 and converted into a digital signal, which is then stored in buffer memory 46 via a bus controller 45. After reading all signals associated with odd-numbered lines of the image sensing device, signals associated with the lines including G and Mg cells are read out. These signals are processed by the preprocessing circuit 37 and converted into digital signals by the A/D converter 38. Then, the signals are stored line by line into the empty memory space of the buffer memory 46. After writing all data into the buffer memory, the image data is read from the buffer memory according to a predetermined procedure. The image data is then processed by the image processing circuit and recorded on a recording medium 40 (Col. 13, lines 34-52).

Thus, *Suzuki, et al.* merely discloses reading out all data and storing it into a buffer memory and thereafter reading all data from the buffer memory. Nothing in *Suzuki, et al.* shows, teaches or suggests reading out charges every m or n frames during a first time period and

outputting the stored charges after every frame during a second time period when charges are not read out from the pick-up device as claimed in claims 1 and 4. Rather, *Suzuki, et al.* merely discloses reading and processing the image signals into a buffer memory and thereafter reading out all data from the buffer memory.

Additionally, *Suzuki, et al.* merely discloses in FIGS. 14-18 the potential profiles of the CCD itself (both horizontally and vertically) (Col. 15, line 55 – Col. 16, line 39). However, this section of *Suzuki, et al.* is not related to the time generating means and the storage and read out of the storage means as claimed in claims 1 and 4.

A combination of *Okino, et al.* and *Suzuki, et al.* would merely suggest to preprocess the signals of *Okino, et al.* by the preprocessing circuit 37, A/D converter 38 and buffer memory 46 of *Suzuki, et al.* Thus, nothing in the combination of the references shows, teaches or suggests a time generating means generating a signal (a) during a first time period to read out charges stored in the pick-up device every m or n frames, depending upon being in the first or second modes, and to store the read-out charges in the storage means, and (b) during a second time period to not read out the charges from the pick-up device and to output the charges stored in the storage means after every frame as claimed in claims 1 and 4. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1 and 4 under 35 U.S.C. § 103.

Claims 2-3 and 5-8 depend from claims 1 and 4 and recite additional features. Applicant respectfully submits that claims 2-3 and 5-8 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Okino, et al.* and *Suzuki, et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 2-3 and 5-8 under 35 U.S.C. § 103.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicant respectfully requests the Examiner enters this amendment for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.


In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 05-0320.

Respectfully submitted,

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